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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,459	09/26/2003	Stephen K. Scolamiero	20002.0288	7389
23517	7590	05/17/2006	EXAMINER	
BINGHAM MCCUTCHEN LLP 3000 K STREET, NW BOX IP WASHINGTON, DC 20007			NGUYEN, THUKHANH T	
			ART UNIT	PAPER NUMBER
			1722	

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/670,459

Applicant(s)

SCOLAMIERO ET AL.

Examiner

Thu Khanh T. Nguyen

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 18, 21-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Labbe et al (4,718,842).

Labbe et al teach an automatic press, comprising an upper ram and a lower ram (19) which could be both movable or one ram is movable and the other is fixed (col. 2, lines 60-61); and a protection system (32), wherein the protection system includes a ruler, or a linear measurement device (20) and photoelectric detectors (22, 23), a plurality of force detectors (26, 27), and a controller (32) couple to the detectors.

In regard to claims 21-32, Labbe further teaches a feed back control system for triggering and controlling the movement of the molding ram by comparing different signals obtaining from the detectors (col. 5, lines 52-68), wherein the comparator (64) is equivalent to the controller, the linear measurement device is the detector (24), the pressure measurement device is the detector (26) and the triggers are the stop command signal coming from the outlets (33, 34) and a control means (32).

### *Claims Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9 and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reid, Jr. (5,725,891) in view of Simonds (6,350,114).

Reid, Jr. teaches a golf ball molding apparatus, comprising a mold with two mold halves (not shown, col. 1, lines 20-22) having a plurality of cavities (26, 126), and upper mold frame and lower mold frame, which reads on the heat transfer plate (28, 128), wherein each of the mold frames having a plurality of series of bores for heating and cooling bores, or channels (130-142), and the channels are coplanar within the mold frame (Fig. 3, 130-142) and each channels has its own inlet (248A-G) and its own outlet (250A-G), wherein the number of channels could be changed, each heat transfer plate could have many series of channels and could be arranged in different orientations.

Reid fails to disclose that the second series of heating channels is separated to the first heating series.

Simonds discloses an isothermal golf ball, comprising a mold platen (2) having a first series of heating channels (4) and a second channel of isobar (6), which is a high speed heat transfer device which is used in various heating and cooling application (col. 2, lines 44-50). In order to assist with even heat distribution across the mold platen.

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Reid with a second series of heating channels as taught by Simonds in order to assist with even heat distribution across the mold platen.

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In regard to claim 3, herein the series of channels are connected to a cross bore, which is equivalent to an adapter (144).

In regard to claims 4-9, Reid, Jr. discloses a plurality of plugs (54) are disposed in the bores to control the flow of the heat transfer fluid, this inherently allows different thermal medium, such as steam or cooling liquid to be used (col. 4, lines 39-43).

In regard to the size, the shape, or the orientation of the channels, these properties would inherently be selected depending on the size and the material of the heating plate, and time and material of the molding article.

5. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reid, Jr. (5,725,891) in view of Simonds as applied to claims 1-9 and 37-39, and further in view of Nicholson (3,596,317).

Reid fails to disclose a ram and insulating plates.

Nicholson discloses a molding apparatus, having a plurality of heating channels and cooling channels (24, 26) separately and alternatively located on the mold plates (22) in order to alternatively heating or cooling the mold plate, upper and lower rams (18, 56) connecting to the mold plates, and insulating plates (32, 74) to prevent heat lost from the mold plates to the ram.

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Reid, Jr. by providing a ram and insulating plate as taught by Nicholson (Fig. 2, 70, 20, 74) for opening and closing the mold plates and for preventing heat transferring between the mold plates and the mold support base or the ram.

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6. Claims 10 and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reid, Jr. ('891) in view of Simonds as applied to claims 1-9 and 37-39 above, and further in view of Labbe et al ('842).

Reid fails to disclose a ram and a control system.

Labbe et al disclose an automatic press as described above, in which the movement of the mold plate and the ram are controlled by a controller and a plurality of detectors.

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Reid by providing a ram and a control system as taught by Labbe et al, because the ram and the control system would regulate the movement of the mold plate to improve the molding process.

7. Claims 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Labbe et al as applied to claims 18, 21-32 above, and further in view of Inaba et al (4,929,165).

Labbe et al fails to disclose that the controller is regulating the speeds of the ram.

Inaba et al discloses a press mechanism comprising a stationary head (2) and a movable mold plate (1), in which a rotation of a motor (14) is regulated by a controller (100) through plurality of position detectors (3A), which in turn control the moving speed of the mold plate (3), so that the movable die (3) moves toward the stationary die (4) at different speeds (col. 3, line 57 to col. 4, line 9).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Labbe by providing a speed control signal to the controller as taught by Inaba et al, in order to improve the controlling of the molding press.

*Response to Arguments*

8. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

The Applicant argued that the prior art discloses two heating series but they are not arranged coplanar to each other. However, it would have been obvious to one of ordinary skilled in the art to rearrange the heating series so that the mold plates could be heated efficiently. It has been held that by merely shifting the position of the parts without changing the operation of the mechanism will not render the claims patentable and the placement of the mechanism is an obvious matter of design choice. In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950); In re Kuhle, 526 F.2d 553, 188 USPQ 7 (CCPA 1975).

In regard to claims 3-4, the cross bore 144 is equivalent to the adapter, which includes a plurality of orifice (248) connected to different channels.

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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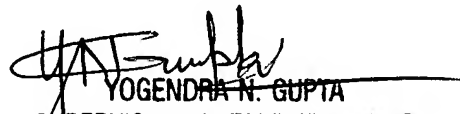
however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Khanh T. Nguyen whose telephone number is 571-272-1136. The examiner can normally be reached on Monday- Friday, 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gupta Yogendra can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TN

  
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